
MEMORIAL AND QUERIES

RESPECTING

The Conduct of Dr JAMES GREGORY, to Dr THOMAS SPENS, and some other Members of the Royal College of Physicians of Edinburgh.

IN the year 1788, the Royal College of Physicians of Edinburgh, printed a copy of their Laws and Regulations, extracted from their Minutes and Charter. Soon after that period, many changes took place; several new laws were enacted, and several old ones repealed or altered. Among other particulars, a very important alteration was made with respect to the fees paid by Members on their admission. Thus, in many particulars, the printed Laws ceased to be the regulations of the College; and, in many other particulars, they were entirely silent, so that considerable difference of opinion took place among the Members.

Of this, a remarkable instance occurred in 1804, when a Society of Artists applied to the College, to have the use, for the space of a month, of the lower part of the College Library-room, for an exhibition of pictures. A very considerable majority of the Members, (among whom were the President, Dr Gregory, Dr Duncan *senior*, &c.) thought that the College ought to have granted this request; but the measure was strenuously opposed by Dr Monro *senior*, and Dr Rutherford, who contended, That a majority of the College had it not in their power to grant the use of the Hall, and that this could only be done by unanimity.

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On this subject, however, the Laws of the College were entirely silent. It was therefore suggested, that, to prevent such disputes in future, a Committee should be appointed to revise the Laws, and to submit to the consideration of the College a new draught of the whole, with such alterations and additions as they might think proper.

This Committee consisted of Dr Spens, the President ; Dr Hope, the Secretary ; Dr Buchan, the Fiscal ; Dr Duncan *junior*, the Librarian ; and Dr Duncan *senior*, who had been a Member of the former Committee, for revising the Laws, in 1788.

This new Committee, by Dr Duncan's advice, resolved to follow the very same plan that had been adopted by the Committee in 1788. They held, for a considerable time, regular weekly meetings, at which they considered the laws, section by section, and they reconsidered, at every succeeding Meeting, what had been determined upon as most proper, at the former one, often again making alterations. But they thought it prudent to avoid, as much as they easily could, any conversation with the other Members of the College, respecting the intended alterations, till they should be able, finally, to make up their own minds with respect to these alterations, and to present the College with a connected view of the whole.

From this *silence* or *secrecy* (if it may be so called) for a short time, they imagined that many advantages would result. The Members of the College would not be so apt to form erroneous opinions, from partial information, and the Committee would not be distracted in their procedure, by very opposite opinions, from different Members, respecting particular laws. At the same time, they saw no evil whatever which could arise from their silence, as the whole was, in a short time, to be subjected to a full and candid examination.

This resolution of secrecy, however, was not so strictly adhered to, as to prevent certain parts of the intended Report from being the subject of conversation, both among some of the Members of the College, and likewise among some of the Members
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of the Corporation of Surgeons. This was particularly the case with respect to a clause which the Committee proposed to add to the regulation prohibiting Members of the College of Physicians from keeping Apothecaries shops. Respecting this law, the Members of the College had often before differed in opinion ; and by the clause now proposed to be added, the Committee were, after much discussion and repeated consideration, unanimously of opinion, not only that future disputes would be avoided, but also that the practice both of Medicine and of Pharmacy, in the City of Edinburgh, would be materially improved.

Respecting the meaning of the former act many Members entertained different opinions. Some thought that it only prevented the Members from keeping open shops for the retail of Medicines, as had formerly been done by some of the most eminent Physicians in Edinburgh, even by the celebrated Pitcairne himself. Others thought, that it prohibited even private shops, but did not prohibit any Member from supplying his patients with all the Medicines he prescribed, provided he was paid only for his attendance. While a third set were of opinion, that the law, as it at present stands, was daily transgressed by the Professors of Chemistry and of Materia Medica, who teach and practise Pharmacy, both by themselves and their servants. For these reasons, they thought some explanation of the Law was necessary : And this subject underwent, in the Committee, much candid discussion.

At one Meeting, they thought of proposing to the College an entire new enactment. At another, it was proposed, that the greatest part of the old enactment should be retained ; but that some alterations and additions should be introduced. But, in the end, they agreed that the old enactment should remain, without any alteration, to be signed by the future Members of the College, in the same manner as had been done by former ones ; but that an article should be added, explaining the former law in such a manner as would prevent any future disputes with respect to the meaning of it ; and which would so far alter and
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amend it, as to afford an inducement to the younger Members of the College, to employ their time and talents in the improvement of Pharmacy,—and thus to obtain, not only for the city of Edinburgh, but for the Public a large, the most improved Pharmacopœia in Europe, in the future editions of that published by the College of Physicians of Edinburgh.

These considerations finally led the Committee to adopt into their Report the clause alluded to. They did not expect that the Members would be unanimous in their opinion with regard to it. But they well knew, that their sentiments on this subject were afterwards to undergo a full, fair and free discussion among the Members, and to be submitted to consideration at Three separate Meetings, before they obtained the force of law; and that they were finally to be adopted, altered or rejected, according to the determination of the majority.

After the Committee had finished the consideration of the laws, and had drawn up a full Report, which contained important alterations and additions in almost every section, that Report was presented to a regular Quarterly Meeting. The Meeting directed, that the Report should be deposited on the Table of the Library, and should there remain open, for the perusal or consideration of the Members, for the space of Three Months, before any further remarks were made upon it.

In all this procedure, both the Committee and the College followed precisely the same plan, in 1804, that had been adopted in 1788; and no Member of the Committee entertained even the most distant suspicion, that they could be accused by any human being of fraud or chicanery, or of an attempt to get the laws passed in a surreptitious manner.

Nay, so anxious was the President, in particular, that every Member should be thoroughly acquainted with all the alterations and additions proposed by the Committee, that he directed a copy of the Report to be made out, and circulated through all the Members. By this means, every Member had an opportunity of reading the Report at his own house; a measure which

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was not adopted in 1788. Thus, every Member who remained ignorant of any important change proposed by the Committee, not only had himself alone to blame for his ignorance, but was guilty of a gross neglect of duty to the College.

But notwithstanding this regular and cautious procedure, on the part both of the Committee and of the College, (which particularly demonstrated the anxiety of the President, that every thing should be conducted in the most unexceptionable manner), Dr GREGORY has printed Two Works, in which he has thrown out the most severe and groundless reflections on the President and Committee, representing them as men void of honour and honesty.

He has, in particular, laboured to persuade his readers, and to render it probable by many gross misrepresentations ;

1st, That the President brought forward the proposition of revising the Laws of the College, merely as a blind, and solely with the intention of accomplishing a favourite object in a clandestine manner.

2^{dly}, That the President appointed, as a Committee for revising the Laws, a set of men whom he had previously prevailed upon to join him in his dishonourable project. And,

3^{dly}, That the President, with his Committee, were guilty of fraud, chicanery, and falsification in this business ; and, that their conduct was highly dishonourable.

Every one of these severe accusations is totally groundless. Dr Gregory well knew, that the printed copy of the Laws was no longer the Regulations of the College in many essential particulars. He well knew that many other changes were wished for by different Members. Nay, when he himself was President, he repeatedly suggested the propriety of applying for a new Charter. This, among other subjects, was under the consideration of the Committee ; but, in the end, they agreed, that an application for a new Charter would, at present, be inexpedient.

So far was the President from having appointed a packed Committee, with the view of accomplishing a favourite object

with respect to Pharmacy, that, when the regulation respecting it came under consideration, Three of the Five Members, (viz. Dr Duncan *senior*, Dr Hope, and Dr Buchan), were against any alteration or addition whatever ; although, after long reasoning, and repeated consideration, they were at length induced, in some degree, to alter the opinion they had at first formed on this subject.

The charges of fraud and chicanery are entirely the children of Dr Gregory's imagination. In place of any attempt to get the law passed in a clandestine manner, the Report of the Committee was brought forward with the greatest regularity. It was not only open to the inspection of all the Members, in the Library, for several months, but was also circulated through the whole Members. With what justice could it be alleged, that the Committee had falsified a law, when they merely submitted to the consideration of the Members, a clause for explaining and amending it ?

And, so far were the sentiments of the College in general different from those of Dr Gregory, that, after his two publications appeared, they passed, at a full and regular Meeting, an UNANIMOUS RESOLUTION, declaring, That the President and Committee had acted from the purest motives, and in the most honourable manner. The Vote was unanimously confirmed at a subsequent Quarterly Meeting ; from which, as well as the former, Dr Gregory alone absented himself. But it can hardly be supposed, that he remained ignorant of what was done at these Meetings ; and it was his own fault only, if he did not know that the College had thus virtually declared all his accusations of the President and Committee to be false and groundless.

Notwithstanding this declaration of the College, Dr Gregory continued to distribute, in a private manner, his scandalous libels, which have thus fallen into the hands of many who have had no opportunity of hearing the sentiments of the College with respect to them.

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Every Member of the College, on his admission as a Fello, signs an obligation, which contains the following clauses :

“ I shall never divulge any thing that is acted or spoken in
 “ any Meeting of the said College, or Council, or Court there-
 “ of, which I think may tend to the prejudice or defamation
 “ of the same, or any Member thereof.

“ All the foresaid articles I shall keep ; and never wittingly
 “ and willingly break any one of them, as I desire to be holden
 “ and reputed an honest man, and a good Christian.”

Before Dr Gregory had distributed any of his pamphlets, or at least before the President, or any Member of the Committee, had seen a copy, either of his Review or Cenforian Letter, the President was informed, upon good authority, that Dr Gregory had printed something ; and he was anxious that it should not appear in public, as he thought it would tend to the prejudice and defamation of the College. Dr Spens, therefore, in conjunction with Dr Hope, wrote Dr Gregory a private and friendly letter, earnestly requesting him to suppress his intended publication ; and, at the same time, reminding him of the obligations which every Fellow of the College comes under, not to divulge what was acted or spoken in the College, when it might tend to the prejudice and defamation of others.

But, in place of complying with this request, Dr Gregory immediately began the distribution of his pamphlets among the Members of the College, and sent them also to many other Gentlemen, not residing in Edinburgh, but at a distance from it, and altogether unconnected with the College of Physicians. Nay, he has even continued to distribute them, after the unanimous vote of the College, which virtually pronounced them to be a false and scandalous libel.

Under these circumstances, the opinion of Counsel is requested, in answer to the following Questions :

Q. 1. Has Dr James Gregory, by distributing his Review and Censorian Letter, wittingly and willingly divulged what was acted in the College, to the prejudice or defamation of any of the Members? And, has he been guilty of a breach of the solemn obligation which he came under, when he was admitted a Fellow of the College?

Q. 2. If he has been guilty of a breach of that obligation, what punishment can the College inflict upon him for his transgression? Can they expel him from their number, as having forfeited the character of an honest man? Or, would it be more advisable to punish him by fine, by reprimand, or otherwise?

Q. 3. As Dr Gregory has long continued, and may probably still continue, to distribute his injurious publications, what measures ought the College of Physicians to adopt, with the view of preventing him from distributing any more copies of them?

The above Memorial has been submitted to the Lord Advocate, together with copies of Dr Gregory's two publications, the Review and Censorian Letter. The Lord Advocate has given a signed opinion in answer to the different queries. This opinion, dated 2d April 1806, is in the possession of Dr Duncan sen. who is at present one of the Censors of the College. Dr Duncan has also signed opinions from some other eminent Lawyers, pointing out what the College ought to do, in order to prevent Dr Gregory from continuing to distribute these Pamphlets, which have of late been even exposed to sale in the shops of booksellers. And it is not improbable, that he may think it necessary to take some steps, with the view of protecting the character of the late President of the College, as well as that of some other Members, against false and groundless aspersions.